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Hong Kong's Proposed Import Control of Aquatic Products

Report Categories:

FAIRS Export Certificate Report

Agriculture in the News

Fishery Products

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Report Highlights:

The Hong Kong government recently briefed the Consulate community on its intention to impose import control on seafood products. While no timeframe has been set yet, a health certificate will become mandatory for U.S. seafood exports to Hong Kong once the regulation is enacted.

Summary

The Hong Kong government (HKG) recently briefed the Consulate community on its proposed import controls for aquatic products, providing additional details to previous information releases. (Please refer to GAIN report: HKG to Require New Health Certificates for Seafood Products dated September 1, 2010). The government, through the introduction of a new regulation, will categorize all aquatic products by risk levels and institute various control measures accordingly. While the timeframe of the new regulation is not yet set, the HKG is already liaising with various consulates to help adopt a certification protocol. In response to the HKG's proposed certification requirements for seafood products, the National Oceanic and Atmospheric Administration (NOAA) has responded with a draft certificate which ATO has submitted to the HKG for consideration. Discussion on the certification protocol continues.

Regulation Framework

The HKG intends to introduce a new regulation for the control of imported aquatic products. Products subject to control include live aquatic products for human consumption and unprocessed aquatic products. The new regulation will not cover processed aquatic products, except processed puffer fish products.

The control of imported aquatic products will be categorized according to risk levels. In this connection, seafood products will be divided into four categories, namely:

Category I – Vey High Risk: Live aquatic products with high risk of tetrodotoxin intended for human consumption will be grouped into Cat. I and banned entry into Hong Kong. Examples include live puffer fish and porcupine fish.

Category II – High Risk: Cat. II will include three groups of seafood products--

- Live and unprocessed aquatic products likely associated with ciguatera poisoning; e.g. coral reef fish larger than 3 kg
- Ready-to-eat live seafood, e.g. raw oyster
- Processed and unprocessed aquatic products with high risk of tetrodotoxin, e.g. puffer fish sashimi, dried puffer fish and dried porcupine fish.

The importation of Cat. II products require that the products be accompanied by an official health certificate. If the products are wild caught, the health certificate could be replaced with a declaration signed by the captain of the fishing vessel. In addition, importers are required to obtain a permit from the Hong Kong Food and Environmental Hygiene Department (FEHD) for each shipment and the permit is valid for 3 years. Prior notification of each shipment to FEHD is also required. Importers need to notify the department at least 8 hours and 2 hours before the arrival of the shipment by sea and by air/land respectively. Consignments may be subject to inspection and sampling analysis.

Category III- Medium Risk: This Medium Risk category includes other live and unprocessed aquatic products. The importation of products belonging to this category has to be accompanied with an official health certificate or a self declaration, which is applicable to wild caught aquatic products.

Category IV – Low Risk: Processed aquatic products except those with high risk of tetrodotoxin are included in Cat. IV as low risk products - e.g. roasted eel, smoked, canned abalone, dried seafood, salted fish, etc. There will be no specific import control measures over products in this category.

Health Certificate

While health certificates are not currently mandatory for seafood products, they will be required for products under high risk and medium risk categories (Cat. II and Cat. III) with the introduction of the new regulation and the HKG has proposed the following attestation on the future health certificates:

- Originate from approved farm/establishment;
- Aquatic animals – produced, packed, stored and transported under sanitary condition under the supervision of competent authority and in accordance with the requirements laid down in Codex Code of Practice for Fish and Fishery Products;
- Aquatic products – handled, prepared or processed, identified, stored and transported under a competent sanitary program consistently implemented and in accordance with the requirements laid down in Codex Code of Practice for Fish and Fishery Products;
- Inspected and quarantined by the competent authority and do not find harmful levels of microorganisms, harmful substances and foreign substances regulated in the exporting country and Hong Kong;
- Fit for human consumption

Meanwhile, the U.S. and the Hong Kong governments are working on an agreed certification protocol. NOAA has submitted its comments on the HKG's proposed attestation. It is expected that once the regulation becomes effective, the Hong Kong government will only accept one standard attestation with each trading partner. The HKG prefers to have a standardized certificate from the U.S. government.

Self-declaration

In case seafood products are wild caught and health certificates are not applicable, the HKG will require importers to submit a self-declaration which is signed by the captain of the fishing vessel. The self-declaration will include the following information:

- The registration number and the country of registration of the fishing vessel;
- Harvesting area and date of catch
- Species and quantity

At the briefing session to the Consulate community, a Consulate representative expressed concern that it would not be possible to state the date of catch, as the catch by the vessel may be mixed and will not be possible to separate all the catch by specific dates of catch. The HKG official noted the comments and indicated that the proposed attestation will be subject to change after all the comments have been thoroughly reviewed.

Timeframe

The regulation is still at a drafting stage and the HKG has not indicated a timeframe as to when it will be introduced to the Legislative Council for vetting.